

REMARKS

Applicants thank Examiner Joyce for the courtesies extended to the undersigned during the telephone interviews of September 21, 2005 and December 14, 2005, at which time issues raised in the Office Action mailed September 7, 2005 were discussed. A summary of the telephone interview of September 21, 2005 is found in the Interview Summary mailed September 28, 2005 and is discussed below. Applicants did not receive an Interview Summary of the telephone interview of December 14, 2005; however, Applicants did obtain a copy from PAIR. Applicants respectfully request the Patent Office to mail to them a copy of the Interview Summary of the telephone interview of December 14, 2005. The discussion of the telephone interview is included in the discussion below.

Claims 1-19 are pending in the application, of which claims 1, 4, 5, 10, and 11 are amended to more positively recite Applicants' patentably novel work vehicle; claims 20-25 are added to set forth Applicants' patentably novel work vehicle in varying scope; and claim 15 is canceled, without prejudice, to reduce the issues.

The Office Action did not indicate that any claims were allowed or allowable. During the telephone interview of September 21, 2005, the Examiner indicated that claim 4 is allowable and would be allowed if rewritten in independent form, including all of the limitations of any intervening claims. The Examiner confirmed the allowability of claim 4 on the continuation sheet of the Interview Summary mailed September 28, 2005.

In view of the foregoing and to eliminate the issue regarding claim 4, claim 4 is amended to be in independent form, including the subject matter of claims 1 and 2, on which claim 4 was dependent. Based on the foregoing, Applicants respectfully request admission of the amendments to claim 4, and consideration and allowance of amended independent claim 4.

The Office Action, in paragraph 9, objects to the amendment to the specification, filed July 11, 2005, under 35 U.S.C. § 132(a) alleging that it introduces new matter; in paragraph 10, objects to informalities; in paragraph 11, objects to the drawings under 37 CFR 1.83(a) alleging they do not show the limitations of claims 6, 7, and 18; and in paragraph 12, states that the substituted drawing received on July 11, 2005 was not entered alleging it is directed to new matter. The issues raised in paragraphs 9-12 of the Office Action were discussed during the telephone interview of September 21, 2005. The

Application No. 10/796,800
Paper Dated: February 7, 2006
In Reply to USPTO Correspondence of September 7, 2005
Attorney Docket No. 388-043647

continuation sheet of the Interview Summary mailed September 28, 2005 states that in the final rejection, paragraphs 9-12 will be withdrawn.

Based on the foregoing, Applicants respectfully request withdrawal of paragraphs 9-12 of the Office Action and respectfully request admittance of the amendment to the specification filed July 11, 2005 and of the substituted drawing filed July 11, 2005.

Claims 5-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, without giving specifics. Applicants have considered claims 5-10 and noted that claim 10 did not provide an antecedent basis for "said detent mechanism". Claim 10 has been amended to correct this error. Applicants respectfully submit that the amendment to claim 10 does not add new matter and request admission of the amendment to claim 10. The Office Action alleges that in claim 12, lines 3 and 4, "wherein at least...conditioning duct" is misdescriptive but does not indicate what is misdescriptive. Applicants have considered claim 12 and respectfully submit that the recitation in claim 12 is not misdescriptive. The Office Action alleges that in claim 14, lines 3 and 4, "wherein the air...conditioning duct" is confusing, without giving specifics. Applicants have considered claim 14 and respectfully submit that the recitation in claim 14 is not confusing.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 5-10, and request withdrawal of the comments that claim 12 is misdescriptive and claim 14 is confusing.

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 6,780,097 to Shuttleworth et al. (hereinafter referred to as "Shuttleworth").

Applicants respectfully traverse the rejection of claims 1-3, however, to eliminate this issue, claim 1 has been amended to recite a work-vehicle cabin having, among other things, a roof unit having a downwardly bulging ceiling portion constituting a part of the roof unit, the ceiling portion located in a forward region of the cabin. A heater and an evaporator are provided in the ceiling portion, with the evaporator arranged adjacently rearwardly of the heater. A pair of forward air-supply openings is provided in the ceiling portion and respectively disposed close to and on either side of the heater for allowing conditioned air to be fed to the inside of the cabin. Support for the amendments to claim 1 is found, among other places, in Fig. 3 and in the discussion relating to Fig. 3. Based on the

foregoing, Applicants respectfully request admittance of the amendments to claim 1 and reconsideration of claims 1-3.

Applicants respectfully submit that Shuttleworth does not anticipate claim 1, on which claims 2 and 3 are dependent, because Shuttleworth does not disclose, among other things, (1) a pair of forward air-supply openings provided in the ceiling portion and respectively disposed close to and on either side of the heater for allowing conditioned air to be fed to the inside of the cabin and (2) a heater and an evaporator in the ceiling portion, with the evaporator arranged adjacently rearwardly of the heater. More particularly, Shuttleworth in Fig. 4 shows HVAC cores 26 including an air conditioning evaporator 26A and a heater core 26B, and conditioned air vents 38. The conditioned air vents of Shuttleworth, unlike the pair of forward air-supply openings recited in Applicants' claim 1, are not disposed close to and on either side of the heater. In Shuttleworth, the conditioned air vents 38 are spaced a significant distance from the heater 26B, as shown in Fig. 3 of Shuttleworth. As can be appreciated, the further the conditioned air has to move before entering the cabin the more the conditioned air is affected by the environment, e.g., in the winter the heated air loses heat and in the summer the cooler air becomes warmer.

Applicants' claim 1 further recites that the evaporator is arranged adjacently rearwardly of the heater. The Interview Summary alleges that the HVAC system 14 of Shuttleworth is located in the rear of the cabin and, hence, the air vents are shown forward and laterally thereof. Applicants respectfully submit that Shuttleworth does not state the location of the HVAC cores 26. Since Shuttleworth is silent as to the exact location of the HVAC cores, Shuttleworth cannot anticipate Applicants' claims 1-3. Consider now, for the sake of discussion only, that the HVAC cores are at the front of the vehicle. Viewing the HVAC cores from the cabin interior setting in the driver's seat, the heater core 26B is rearward of the evaporator 26A. Consider now that the HVAC cores are at the rear of the vehicle. Again, viewing the HVAC cores from the cabin interior setting in the driver's seat, the heater core is rearward of the evaporator. Clearly, Shuttleworth does not anticipate Applicants' patentably novel work-cabin vehicle recited in amended claim 1 because the heater core 26B of Shuttleworth is rearward of air conditioning evaporator 26A, whereas Applicants' claim 1 recites that the evaporator is rearward of the heater.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 1-3.

Application No. 10/796,800
Paper Dated: February 7, 2006
In Reply to USPTO Correspondence of September 7, 2005
Attorney Docket No. 388-043647

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,721,031 to Nakata et al. (hereinafter also referred to as “Nakata”) in view of Shuttleworth. The Office Action alleges that Nakata discloses the claimed invention except for Nakata failing to disclose the positional relationship of the evaporator and heater. The Office Action continues by alleging that Shuttleworth teaches the evaporator provided in the ceiling portion and arranged adjacently rearwardly of the heater. Applicants respectfully traverse the rejection of claims 1-3 and request reconsideration thereof.

Claims 1-3 and Shuttleworth were discussed above.

Applicants acknowledge that Nakata fails to disclose the positional relationship of the evaporator and heater, and respectfully submit that Shuttleworth does not cure the defects of Nakata. As was discussed above, Shuttleworth discloses an evaporator 26A and a heater core 26B but, at best, discloses that the heater core is rearward of the evaporator. Applicants’ claim 1, on the other hand, recites that the evaporator is rearward of the heater. Further, there is no disclosure in Nakata and/or Shuttleworth of a pair of forward air-supply openings provided in the ceiling portion and respectively disposed close to and on either side of the heater for allowing conditioned air to be fed to the inside of the cabin.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 1-3.

Claims 5-8 and 12-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of U.S. Patent No. 5,499,947 to Tauber (hereinafter also referred to as “Tauber”). The Office Action alleges that Nakata discloses the claimed invention and states that Nakata does not disclose rubber plates. The Office Action continues by alleging that Tauber teaches that it is known to provide a damper with rubber plates, as set forth in column 2, lines 47-51 of Tauber. The Office Action concludes by alleging that it would have been obvious to provide the damper of Nakata with rubber plates, as taught by Tauber for its intended purpose.

Claim 15 has been canceled through this Amendment. Applicants respectfully traverse the rejection of claims 5-8, 12-14, and 16-19, however, to eliminate this issue, claim 5, on which claims 6-8, 12-14, and 16-19 are dependent, is amended to recite a work-vehicle cabin including, among other things, an air communicating passage for guiding air introduced through an outdoor air introducing opening to an air-conditioning unit and an air-supply opening for feeding conditioned air conditioned by the air-conditioning unit to the inside of

the cabin; an air circulating opening communicating between the inside of the cabin and the air communicating passage, air inside the cabin being introduced through the air circulating opening to the air communicating passage and then conditioned by the air-conditioning unit, which then returns the conditioned air through the air-supply opening to the inside of the cabin. An indoor/outdoor air switchover damper selectively provides a first condition in which the damper closes the air circulating opening for guiding the outdoor air introduced through the outdoor air introducing opening to the air-conditioning unit via the air circulating passage and a second condition in which the damper opens the air circulating opening and blocks air from the outdoor air introducing opening for inhibiting introduction of the outdoor air into the air circulating passage. The indoor/outdoor air switchover damper includes, among other things, a shielding portion which can be gaplessly attached to an opening edge of at least the air circulating opening and which is elastically deformable, to allow the shielding portion to elastically deform when a door of the work-vehicle is opened and shut. The shielding portion further has a first surface that abuts a peripheral area of the air-circulating passage to seal the air-circulating passage when the indoor/outdoor air switchover damper is in the first condition, and a second surface, formed on an opposite side of the first surface, that blocks the air communicating passage when the indoor/outdoor air switchover damper is in the second condition, and a pivotable base end portion for supporting the shielding portion. A switchover mechanism is provided for switching over the indoor/outdoor switchover damper between the first condition and the second condition.

Support for the amendment to claim 5 is found, among other places, on page 6, lines 9-25 of the present application. Based on the foregoing, Applicants respectfully request admission of the amendment to claim 5 and reconsideration of claims 5-8, 12-14, and 16-19.

Applicants respectfully submit that there is no disclosure in Nakata and/or Tauber as recited in Applicants' claim 5 of a shielding portion which can be gaplessly attached to an opening edge of a circulating opening and which is elastically deformable to allow the shielding portion to elastically deform when a door of the work-vehicle is opened and shut. Further, there is no disclosure in Nakata and/or Tauber as recited in Applicants' claim 5 of a shielding portion having a first surface that abuts a peripheral area of the air-circulating passage to seal the air-circulating passage when the indoor/outdoor air switchover damper is in the first condition, and a second surface, formed on an opposite side of the first

Application No. 10/796,800
Paper Dated: February 7, 2006
In Reply to USPTO Correspondence of September 7, 2005
Attorney Docket No. 388-043647

surface, that blocks the air communicating passage when the indoor/outdoor air switchover damper is in the second condition.

Since Nakata and/or Tauber fail to teach, among other things, a damper that has a shielding portion that can elastically deform when a door of the work-vehicle is opened and shut, they cannot render claims 5-8, 12-14, and 16-19 unpatentable.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 5-8, 12-14, and 16-19.

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Tauber, as applied to claim 5 above, and further in view of U.S. Patent No. 3,763,760 to Erickson (hereinafter also referred to as “Erickson”). Applicants respectfully traverse the rejection of claims 9 and 10 and request reconsideration thereof.

Claim 5, Nakata, and Tauber were discussed above where it was shown that Nakata and/or Tauber fail to teach, among other things, a damper having the feature of elastically deforming when a door of the work-vehicle is opened and shut. Erickson fails to cure the defects of Nakata and Tauber and, therefore, the features of claims 5, 9, and 10 are patentable over Nakata, Tauber, and/or Erickson.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 9 and 10.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Nakata or Shuttleworth. The Office Action alleges that Nakata or Shuttleworth discloses the claimed invention and then states that neither Nakata nor Shuttleworth teaches an openable window. The Office Action continues by alleging that it is well known that the window of Nakata or Shuttleworth is more likely openable.

Applicants respectfully traverse the rejection of claim 11, however, to eliminate this issue, claim 11 is amended to recite a work-vehicle cabin having, among other things, a ceiling portion constituting a part of the roof unit; right and left side portions; an openable window provided at one of the right and left side portions, the windows being openable to the outer side; an eaves portion formed as a lateral extension of the roof unit, the eaves portion projecting laterally with respect to the side edge for covering the openable window from above when the window is opened; a heater and an evaporator provided in the ceiling portion; and a forward air-supply opening provided in the ceiling portion for feeding conditioned air to the inside of the cabin.

Application No. 10/796,800
Paper Dated: February 7, 2006
In Reply to USPTO Correspondence of September 7, 2005
Attorney Docket No. 388-043647

Applicants respectfully submit that there is no disclosure in Nakata and/or Shuttleworth of a work-vehicle cabin having an eaves portion formed as a lateral extension of the roof unit, the eaves portion projecting laterally with respect to the side edge for covering the openable window from above when the window is opened. Neither Nakata nor Shuttleworth discusses an eaves portion of a roof covering the window when it is opened.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claim 11 and request allowance of claims 1-3, 5-14, and 16-19.

Applicants, by this Amendment, have added new claims 20-25. Claim 20 is an independent claim having claim 21 dependent thereon; claim 22 is dependent on claim 10; claims 23 and 24 are dependent on claim 11; and claim 25 is dependent on claim 1. Support for new claims 20-25 is found, among other places, in the pending claims and the drawings. The arguments put forth to patentably distinguish claims 1-3, 5-14, and 16-19 over the art are applicable, among others, to patentably distinguish claims 20-25 over similar art. Based on the foregoing, Applicants respectfully request admission, consideration, and allowance of claims 20-25.

Conclusion

This Amendment is deemed to place the application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned before further action is taken on the case.

Respectfully submitted,

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